TEACHINGS OF ISLAM
for a
HAPPY FAMILY

By
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In the Name of Allah, the Beneficent, the Merciful!

PREFACE

Of late, demands are being made to effect changes in the Muslim Personal Law which is protected under the Indian Constitution and promulgate a Uniform Civil Code all over the country. This demand has political overtones rather than intellectual enquiry or sympathy towards the Muslim community.

Indian Muslims had taken part, along with their Hindu brethren, in the freedom struggle of the country on the express assurance that their personal laws will be given absolute protection and that they will have the freedom to practice their religion without any prejudice and hindrance. But unfortunately, at the very inception the writers of the Constitution and the Constituent Assembly were not in favour of granting protection to the Muslim Personal Law and were in favour of promulgating a Uniform Civil Code for the entire people of India. Therefore, along with Article 25(1) of the Fundamental Rights of the Constitution which confers on all persons "freedom of conscience and the right to freely profess, practice and propagate religion," Article 44 under the Directive Principles of State Policy was also introduced which says that "the State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India." Taking advantage of this Article, the Muslim Personal Law is being targeted and demands are being made to either completely discard it or at least make changes in it according to the whims and fancies of Hindu communal forces.

Under the Directive Principles of State Policy, attention of the State has also been drawn to many other issues under various Articles such as provision of adequate means of livelihood for all the citizens, men and women (Article 39 (a); distribution of the material resources

of the community to subserve the common good (39 (b); not to allow concentration of wealth and means of production to the common detriment (39 (c); equal pay for equal work for both men and women (39 (d); not to allow abuse of the health and strength of workers, tender age of children and see that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength (39 (e); provide children opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and offer protection to childhood and youth against exploitation and against moral and material abandonment (39 (f); provision of equal justice and free legal aid (39A); right to work, to education and to public assistance in certain cases (Article 41); ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities, and promote cottage industries in rural areas (Article 43); raise the level of nutrition and the standard of living and improve public health (Article 47). But neither the Government of the day talks about them nor the so-called "concerned citizens" of the country are worried about them; the only thing of concern for them is the Muslim Community and its Personal Law which they consider to be detrimental to national integration.

Even the judiciary seems to be unduly concerned about the Muslim Personal Law and quite often recommends implementation of Article 44 by abolishing the Muslim Personal Law and promulgating a common civil code. For example, in 2003, the Chief Justice of India, V.N. Khare, while passing a judgement in a case had observed that "it is a matter of regret that Article 44 of the Constitution has not been given effect to. Parliament is still to step in for framing a common civil code in the country. A common civil code will help the cause of national integration by removing the contradictions based on ideologies." The Judge was passing a judgement as unconstitutional Section 118 of the Indian Succession Act 1925 (which exclusively relates to Christians) on the ground that it was arbitrary, irrational and violated Article

14 of the Constitution.[1] It is all the more strange that the Chief Justice was not even dealing with a case pertaining to any Member of the Muslim Community.

Commenting on the aforesaid judgement, Prof. Pratap Bhanu Mehta (Prof. Philosophy and of Law and Governance, Jawaharlal Nehru University) wrote:

> "The Uniform Civil Code is about national integration. The Supreme Court has repeatedly made this argument. But this is morally and legally appalling argument for the following reasons.
>
> "With all due respect, the Court should stick to matters of law and justice and not second-guess what promotes national integration. It is not at all clear why the existence of separate personal laws, in and of themselves, is incompatible with national integration. After all, groups could, in principle, be more grateful to the Indian nation because it protects your laws like no other nation does.
>
> "It is often argued that personal laws reinforce a separate sense of identity. But is every sense of separate identity by definition inimical to national integration? Are personal laws more identity reinforcing than linguistic states? The Court's own logic of what national integration requires would require the abolition of religious identity altogether.
>
> "The Court is also inappropriately bench-marking what constitutes proper national integration. Although this may not have been its intent, singling out personal laws as substantially inimical to national integration signals that any minority that even argues in favour of personal laws should be regarded as suspect. This kind of bench-marking of the proper way of being Indian is particularly dangerous. Differences are not so much

[1] The Hindu, July 24, 2003.

a threat to national integration as bench-marking Indian identity."[1]

The All India Muslim Personal Law Board (AIMPLB) has been constantly petitioning the Supreme Court that personal laws cannot be rewritten in the name of social reforms, insisting that personal laws cannot be challenged as it will be violating Part III of the Constitution. Their stand is that issues of personal law are for Parliament and not the Supreme Court to decide. The Uniform Civil Code is a directive principle and not enforceable. Personal laws are protected by Article 25, 26 and 29 of the Constitution as they are acts done in pursuance of a religion.

As late as February 2017, the Supreme Court set up a five-judge, multi-faith Constitution bench to decide whether triple talaq was constitutionally valid. On August 22, 2017, the Court gave its judgement. Three of the five judges concurred that the practice of triple talaq is unconstitutional. The remaining two declared the practice to be constitutional while simultaneously asking the government to ban the practice by enacting a law. The BJP Government introduced a bill called "The Muslim Women (Protection of Rights on Marriage) Bill, 2017, in the Parliament and got it passed on December 28, 2017, making instant triple talaq illegal and void and punishable with three years in jail for the husband.

The contention for introducing the aforesaid bill in the Parliament was that because of the practice of instant triple talaq there had been an increase in the rate of divorce in the Muslim Community and that the divorced Muslim women had suffered and were left abandoned. This is not true. According to a report prepared by Muslim Mahila Research Kendra in coordination with Shariah Committee for Women, AIMPLB, the Muslims have a lower rate of divorce compared to other religious communities.

To counter the vicious campaign against the Muslim Personal Law, Jamaat-e-Islami Hind launched a

[1]The Hindu, July 30, 2003.

two-week "Muslim Personal Law Awareness Campaign" from April 23, 2017 to May 7, 2017. The objective of the Campaign was to educate, uplift and morally reform the Muslim society as a whole, because the primary reason for violation of Islamic laws was lack of awareness among the Muslims and that majority of them were unaware of laws pertaining to marriage, divorce, inheritance, etc.

Various methods were adopted by the Jamaat to bring in awareness among the Muslims, amongst which was publication of booklets on various aspects of the Muslim Personal Law in different languages. This booklet was written and published on that occasion for a limited circulation in and around Mysore City. Now this has been thoroughly revised and is being published for a wider viewership.

I thank Allah with the bottom of my heart for giving me the capability and opportunity to write this booklet. May Allah accept it and richly reward me in this world and in the Hereafter. Amen!

27 Ramazan 1439 AH
12 May 2018

D. Abdul Karim
Mysore

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HUMAN SOCIETY

One of the objectives of Islam is to build up a strong and peaceful society based on two of its fundamental principles: Unity or Oneness of God; and Oneness of mankind. The Holy Quran ordains:

> *"O Mankind, keep your duty to your Lord Who created you from a single soul and from it created its mate (of same kind) and from the two of them has spread a multitude of men and women."* (4:1)

Hence, the Quran instructs that no one should be considered superior or inferior because of his colour, creed, religion and geographical location. It has made piety as the criteria; the most pious is the most superior in rank in the sight of Allah. The Holy Quran declares:

> *"O mankind, verily, We have created you from a single (pair) – male and female; and made you into nations and tribes that you may know each other (not that you may despise each other). Verily the most honoured of you in the sight of Allah (he who is) the most righteous of you."* (49:13)

Elaborating the aforesaid Verse, Prophet Muhammad (peace be upon him) said:

> *"You are all children of Adam, and Adam was created from clay. People should give up being proud of their ancestors. Otherwise, they would be more contemptible in the sight of Allah than petty vermin."* (Bazzar)

In order to build up a peaceable and affectionate society, mankind should have a correct viewpoint with regard to human life. Just a little deviation is enough to result in chaos, oppression and tumult in society.

THREE WAYS OF LIFE

There are three viewpoints with regard to the ways of life generally followed by mankind: (1) Monasticism; (2) Hedonism; (3) Islamic Way of Life. Let us briefly analyze each of these viewpoints and see which is best suited for the development and establishment of a peaceful society on earth.

Monasticism teaches that to attain peace, salvation and communion with God, man should give up this world and sever all relationships with fellow human beings, and, on the whole, despise life itself. Common sense rejects this way of life, because, if adopted, after a period of time there would be no human life on earth. This way of life creates a weak and cowardly mind that does not want to face the rigors of everyday human life.

Hedonism means pursuit of or devotion to pleasure, especially to the pleasures of senses through unbridled sex. Its guiding principles are man's own emotional whims and fancies, and declares that "the proper value is whatever gives you pleasure," which reduces benevolence, self-sacrifice and love of Truth – which are some of the building blocks of human life – to mere selfishness. Hence, based on this ideology and way of life, no peaceable, affectionate and selfless society can be built.

The third way of life, which is the most moderate, is presented by Islam. Islam says that Allah has created mankind to serve as his vicegerent on earth and lead a life according to Allah's Will and Guidance, and that man's life on earth is a trial and a test. The result of this trial is partially seen in this life itself and would be fully known in the life after death. The Holy Quran says:

> *"Blessed be He in Whose hands is Dominion; and He over all things has Power. He Who created Death and Life, that He may try which of you is best in deed; and He is the Exalted in Might, Oft-Forgiving.* (67:1-2)

According to Islam, a peaceable life on earth, salvation in the Hereafter and communion with God can be achieved only by leading a full life on earth according to Allah's Guidance as provided in the Quran and the Traditions of Prophet Muhammad (pbuh). The Holy Quran says:

> *"Whoever works righteousness, man or woman and has Faith, verily, to him will We give a life that is good and pure, and We will bestow on such their reward according to the best of their actions."* (16:97)

Islam rejects both Monasticism and Hedonism, and declares that Allah has created all good things on earth for the use of man. The Holy Quran asserts:

> *"Do you not see that Allah has subjected to your (use) all things in the heavens and on earth, and has made His bounties flow to you in exceeding measure, (both) seen and unseen? Yet there are among men those who dispute about Allah without knowledge and without guidance, and without a Book to enlighten them!"* (31:20)

But this use of the worldly things should be as guided by Allah and within the permissible limits. None has the authority to despise them or prohibit those things which God has allowed. The Holy Quran stresses:

> *"Say: 'Who has forbidden the beautiful (gifts) of Allah, which He has produced for his servants, and the things clean and pure (which He has provided) for sustenance?' Say: 'They are in the life of this world, for those who believe, (and) purely for them on the Day of Judgement.' Thus do We explain the signs in detail for those who understand."*(7:32)

In another place, the Holy Quran warns:

"O you who believe, make not unlawful the good things which Allah has made lawful for you, but commit no excess; for Allah loves not those given to excess. Eat of the things which Allah has provided for you, lawful and good; but fear Allah, in Whom you believe." (5:87-88)

FAMILY: AN IMPORTANT UNIT OF HUMAN SOCIETY

Family is an important unit of human society. In order to build up a peaceable, liveable and healthy society, it is important to strengthen the family; the healthier the family, the more robust will be society. Islam gives detailed instructions regarding family life. In fact, about a third of the legal injunctions in the Quran deal with family matters. To strengthen bonds between different members of a family, duties and rights have been assigned for each. The Holy Quran declares that Allah is pleased with those who strengthen kinship and all human relationships, and despises those who weaken or sever them, and declares such persons to be wrong-doers and grave sinners:

"Those who break the Covenant of Allah, after having plighted their word thereto, and cut asunder those things which Allah has commanded to be joined, and work mischief in the land, on them is the Curse; for them is the terrible Home!" (13:25)

"O people, fear your Lord Who created you from a single being and out of it created its mate; and out of the two spread men and women. Fear Allah in Whose name you plead for rights, and heed the ties of kinship. Surely, Allah is ever watchful over you. (4:1)

WOMAN: AN IMPORTANT COMPONENT OF FAMILY

The pre-Islamic world branded woman as a product of the Devil, a seed of evil, a being without a soul, and was considered to be just a slave to man having no rights

whatsoever. On the contrary, Islam demands that a woman should remain a reasonable human being; it does not expect her to become an angel or a demon. Never in the history of the world, under various religious and constitutional systems, has a woman enjoyed the rights and privileges which Islam gives her. The Holy Quran categorically states that a woman is as vital to human life as a man, and has granted her the status equal to that of a man. The rights and responsibilities of a woman are equal to those of a man, but are not necessarily identical as both have been created differently to play different roles in life. Nature has not willed perfect equality between man and woman, but has willed a complementary distribution of avocations and functions. Where the aspects of life resemble each other, the rights and obligations of man and woman are similar; they only differ where the aspects differ. For example, the Quran declares that a woman has same Islamic duties as a man, and that she is equally rewarded for her good deeds, not more not less:

> *"Whoever works righteousness, man or woman, and has Faith, verily to him will We give a new life that is good and pure, and We will bestow on such their reward according to their actions."* (The Quran, 16:97)

Further, Islam grants a woman the equal right to contract, enterprise, to earn and to possess property independently. Her life, her property and her honour are as sacred as those of a man. If she commits any crime, she is no less nor more guilty than a man in a similar case. If she is harmed or wronged, she is entitled to the same compensation as a man in her position would get.

MARRIAGE: A BUILDING BLOCK OF THE FAMILY

Marriage in Islam is strongly recommended on religious, moral, social, psychological and physiological grounds. Islam does not want people to practice celibacy and lead a solitary life. The Holy Quran commands:

> *"Marry those among you who are single ... if they are in poverty, Allah will give them means out of His Grace; for Allah is Ample-giving and He knows all things."* (24:32)

The Quran declares that celibacy is not a sign of piety. Every Prophet of Allah was married and had a family, and still every one of them was considered the most pious of the mankind.

> *"We did send messengers before you, and appointed for them wives and children."* (13:38)

Stressing the importance of getting married, Prophet Muhammad (pbuh) said:

> *"O young men, whoever among you has the capacity to discharge the responsibilities of marriage, should get married; it helps him lower his gaze and guard his modesty; whoever is not able to marry, should fast as fasting diminishes his sexual powers."* (Bukhari)

The Prophet of Allah (pbuh) has also instructed to marry a religious woman.

> *"A woman may be married either for her money, her reputation, her beauty, or her religion; then look out for a religious woman, for if you do marry other than a religious woman, may your hands be rubbed with dirt."* (Mishkat)

PURPOSE OF MARRIAGE

The paramount purpose of marriage is to ensure, through legitimate means, continuity and preservation of the human race. The longing for offspring is a natural urge which every man and woman feels. Another purpose is fulfilment of natural sexual urge, which is perhaps the most powerful urge in human beings. Sexual gratification is not

an end in itself, but a means to bring men and women together for procreation. Yet, it is the most enjoyable and absorbing of human experiences. Failure to gratify this urge leads either to deviation or maladjustments.

Islam prohibits all sexual excesses like homosexuality, lesbianism and promiscuity. These sexual excesses including uninhibited sex with innumerable partners are against human nature and have resulted in contracting of deadly new diseases such as AIDS, etc., which have baffled health workers and have caused enormous financial burden too.

THE BEST MARRIAGE

Islam has ordained that marriages should be conducted in a simple manner with least trouble and expenses. However, Muslims have ignored this ordinance and of late indulged themselves in most ostentatious and expensive marriages. Majority of them also demand from the family of the bride exorbitant dowry and expensive gifts, which has made the marriages a burden for the members of the Muslim Community. The Prophet of Allah (pbuh) has instructed:

> *"The best wedding is that upon which the least trouble and expense is bestowed."*(Mishkat)

> *"The worst of feasts are marriage feasts, to which the rich are invited and the poor left out, and he who abandons the accepting of an invitation, then verily disobeys Allah and His Prophet."* (Mishkat)

Ignoring the aforesaid instructions, Muslims have made marriage so difficult and burdensome that parents tremble and palpitate just thinking about the marriages of their daughters.

RIGHTS AND DUTIES OF FAMILY MEMBERS

In order to build a strong and cohesive family, Islam has prescribed specific rights and duties of different members of the family. Negligence to fulfill the rights and discharge the duties entails in ruptured relationships and misery and sufferings for members of the family, which ultimately results in creation of a chaotic and selfish society.

RIGHTS OF PARENTS: THE FOREMOST RIGHTS

In our present-day society, the rights that are most neglected are the rights of the parents and elderly persons. The Holy Quran specifies that after the Rights of Allah, the rights of our parents are supreme. It says:

> *"Your Lord has decreed that you worship none but Him, and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honour. And, out of kindness, lower them the wing of humility and say: 'My Lord! Bestow on them Thy Mercy even as they cherished me in childhood."* (17:23-24)

The following Saying of Prophet Muhammad (pbuh) clarifies this point further:

> *Hazrat Abu Umama says that a person asked: "O Prophet of Allah, what are the duties of the offspring towards their parents?" He said: "Your father and mother are your paradise or hell."* (Ibn Maaja)

Looking after the parents well and with kindness in their old age brings immense blessings and rewards in this world:

The Prophet of Allah said: "If a man wants his age extended and his earnings increased, then he should be benevolent and kind to his parents." (Ahmed)

On the contrary, disobeying and not looking after one's parents is a major sin and the one who commits this sin gets punished in this world itself:

Hazrat Abu Bakarah says that the Prophet of Allah said: "Should I not forewarn you of three major and worst sins?" We all said: "Why not, O Prophet of Allah." He said: "Associating with Allah; disobedience to parents," – he was sitting inclined, suddenly he sat straight and said – "listen carefully, telling lies and giving false evidence." He kept on repeating it till we all wished would it be that he stops (repeating it). (Bukhari, Muslim)

As regards the punishment, the Prophet said:

"Allah defers punishment for any of the sins till the Day of Judgement except the punishment for showing disobedience to the parents, which Allah confers on the sinner in his life itself before death. (Al-Haakim)

It does not mean that he will escape the punishment in the Hereafter; he has to bear the punishment both here and the Hereafter.

RIGHTS OF A MOTHER THREE TIMES MORE THAN THAT OF A FATHER

The most neglected and mistreated creature on earth today is an elderly mother. Her own children whom she had borne for nine months feeding them her blood; giving birth to them in the most perilous and near fatal condition; taking care of them when they were most feeble; raising them bearing all their tantrums; and often times feeding

them concealing her own hunger and need, fail to take care of her when she becomes weak and vulnerable. Islam very well understands this situation and instructs people to take care of their mothers in their old age as they had been taken care of by their mothers in their childhood.

> *It is reported by Hazrat Abu Hurairah that a man came to the Prophet of Allah (pbuh) and asked: "O Prophet of Allah, who is most eligible for my excellent kindness?" He said: "Your mother." He then asked: "Then who?" He said: "Your mother." He then asked: "Then who?" He said: "Your mother." The person asked further: "Then who?" He said: "Your father." (Bukhari, Muslim).*

The Holy Quran confirms this assertion by pointing out the great pain that a mother takes in bringing up a child right from the conception to the delivery. It says:

> *"We have enjoined on man kindness to his parents. In pain did his mother bear him, and in pain did she give him birth. The carrying of the (child) to his weaning is (a period of) thirty months."* (46:15)

Further, it has been made clear that one cannot compensate the pain and love of a mother towards her child even with the greatest of service to her. A Saying of Prophet Muhammad (pbuh) clarifies this point thus:

> *A man came to the Prophet of Allah (pbuh) and said: "O Prophet of Allah, I have helped my mother perform her Hajj by carrying her on my back; I have circumambulated the House of Allah (Ka`aba), I have walked between Safa and Marwah, I took her to Arafat, and in the same manner I returned with her to Muzdalifah, and in Mina I pelted the stones. She is very old and cannot move even a bit. I have performed all these rites by carrying her on my back. So, have I discharged her rights?" He (the Prophet) said: "No, you have not discharged her rights." That man asked: "Why?" He replied:*

"Because in your childhood she endured all the difficulties and pain with the desire that you should live, and now whatever service you rendered to her, you have done in such a state that you desire her to die." (Al-Way`ee, No.58, Al-Sunnatul Khamisah)

RIGHTS OF FATHER ARE AS IMPORTANT AS THAT OF MOTHER

Islam has also very clearly defined the rights of a father and has cautioned that they should also be fulfilled diligently. Prophet Muhammad (pbuh) has said:

"The good pleasure of Allah lies with the good pleasure of a father, and Allah's displeasure is with the displeasure of the father." He further instructed: "Do not shun your ancestors. The man who shuns his father commits blasphemy." (Tirmizi)

RIGHTS OF NON-MUSLIM PARENTS REMAIN INTACT

The rights of parents remain intact even when they remain non-Muslims. Except in the domain of Islam, the offspring of such non-Muslim parents should respect and obey them. The Holy Quran enjoins:

"And We enjoined on man (to be good) to his parents; in travail upon travail did his mother bear him. And in years twain was his weaning. (Hear the Command): 'Show gratitude to Me and to your parents; to Me is (your final) Goal. But if they strive to make you join in worship with Me things of which you have no knowledge, obey them not. Yet bear them company in this life with justice (and consideration), and follow the way of those who turn to Me. In the End the return of you all is to Me, and I will tell you all that you did." (31:14-15)

RIGHTS OF PARENTS AFTER THEIR DEATH

The rights of parents do not end with the end of their life on earth. Islam has prescribed a few more rights of the deceased parents which are obligatory upon their offspring. The following saying of the Prophet of Allah (pbuh) elaborates this point thus:

> *Hazrat Abu Usaid Malik bin Rabiya Sa`adi narrates: "We were sitting with the Prophet of Allah (pbuh) when a man from the tribe of Banu Salama came and asked: 'O Prophet of Allah, my parents have died. Is any of their rights remain obligated on me that I should fulfill?' He (the Prophet) said: 'Yes. After the death of the parents, the following are their rights which a son should fulfill:*
>
> - *Pray to beseech forgiveness and mercy for them.*
> - *Fulfill all their wills.*
> - *Treat well all their relatives.*
> - *Respect and honour all their friends and acquaintances."*(Abu Dawood)

OLD-AGE HOMES: AN INSULT TO PARENTHOOD AND HUMANITY

There is no concept of old-age homes in Islam. Offspring should look after their parents as diligently as they were looked after when they were small, weak and helpless. One should not send his parents to old-age home when they have become weak and helpless. Islam has declared that looking after parents is better than Jihad (striving) in the Cause of Allah, if there is no one else to look after them. Prophet Muhammad (pbuh) has issued clear instructions in this behalf:

> *"It is reported by Hazrat Abdullah bin `Amr that a man came to the Prophet of Allah and sought permission to go on Jihad. He (the Prophet) enquired: "Are your parents alive?" He answered:*

"Yes." He said: "You perform Jihad in their favour." (i.e. you strive in their service with money and diligence as you do in Jihad.) (Bukhari, Muslim)

Moreover, one should liberally spend money on his parents as they had spent on his upbringing, education, etc.; one should not make them indigent and beg for money in their old age:

It is reported by Hazrat Umar bin Shueb that a man came to the Prophet of Allah and said: "O Prophet of Allah, I possess wealth and my father is in need of it." He said: "You and your wealth belong to your father." (He further said): "Indeed, your offspring are one of your best and chaste earnings. Consume freely from the earnings of your offspring."

After completing education, young men should not go on foreign jaunts or accept foreign employment if there is no one from amongst blood relations to look after their parents. One should remember that money can be earned back, but not ones parents; if you lose them you lose them forever. They are one of the best gifts from Allah; bank balances and beautiful wives are no match for them.

DUTIES OF A HUSBAND

The spheres of activities of the husband and the wife are quite different and distinct, and each is bestowed with the activities best suited for his or her nature. Allah has created man and woman to excel each other in certain aspects. Man excels woman in constitution and physique and is capable of bearing greater hardships and facing greater dangers. On the other hand, woman excels man in the qualities of love and affection. Hence, there is a natural division of labour and responsibilities between man and woman. Maintenance and providing for the family members has been entrusted to men and the maintenance of the house and upbringing of children has been entrusted

to women. Since every organization, whether small or large, needs a head to organize things, man has been designated as the head of the family. The Holy Quran declares:

> *"Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means."* (4:34)

In this position of authority, a husband has been obligated to discharge some duties towards his wife and children, which are as follows:

1. Payment of *Mehr*(Dower): A man has to pay Dower to his bride at the time of marriage instead of receiving dowry in the form of cash or kind from the family of the bride. The Holy Quran instructs:

   "Except for these, all other women are lawful, provided you seek (them in marriage) with gifts from your property – desiring chastity, not lust. Give them their dower for the enjoyment you have of them as a duty." (4:24)

   The Dower should be according to the means of the husband.

2. Maintenance of wife and children: It is the responsibility of the husband to earn and provide for his wife and children. A wife, even if she is rich, is not supposed to spend her own money towards maintenance of the family; it is the husband's responsibility. However, women should not be callous. If they are rich and if their husbands or their families are in dire need of money, they should help them out. As the Prophet of Allah (pbuh) says in one of his sayings, money spent on members of the family is considered as a propitious charity entailing rich rewards from Allah.

3. Treating the wife and children with love, affection and respect; a wife should never be detested.

   It is narrated by Hazrat Abu Hurairah that the Prophet of Allah (pbuh) said: "A Muslim husband should not detest his Muslim wife. If he does not like one trait of hers, he would certainly like her other traits." (Muslim)

   "It is narrated by Hazrat Ayesha that the Prophet of Allah(pbuh) said: "The best man amongst you is the one that treats well his wife and offspring. I am the best amongst you in treatment of my family members. When someone dies (in your household) do not mention his mistakes and faults." (Ahmed)

4. To make arrangements for proper education – both religious and temporal – of the children.

   "The Prophet of Allah (pbuh) said: "There is no other gift better than the gift of good education that a father can give to his offspring." (Tirmizi)

5. To assist the wives, whenever possible, in their household chores.

   Hazrat Aswad bin Yazid reports that he asked Hazrat Ayesha: "What work did the Prophet of Allah do at home?" Hazrat Ayesha said: "He (the Prophet) always used to serve members of his household, and when he heard the call for Prayers, he used to go out (to offer Prayers)." (Bukhari)

DUTIES OF A WIFE

1. The foremost duty of a wife is to be obedient to her husband and protect his property in his absence. The Holy Quran says:

"The righteous women are devoutly obedient and guard in (the husband's) absence what Allah would have them guard." (4:34)

That is, the good wife is obedient and harmonious in her husband's presence, and in his absence guards his reputation and property and her own virtue.

"It is narrated by Hazrat Abu Hurairah that he asked the Prophet of Allah (pbuh) which wife is the best? He (the Prophet) said: "The one who makes (the husband) happy when he looks at her; when commanded she obeys him; and who does not adopt the attitude about her person and his wealth which is detested by him." (Ahmed, Nasai)

It should be understood here that obedience to Allah is more important than obedience to husband. Hence, if a husband commands the wife to sin against Allah or tries to prevent her from performing an obligated religious duty, she should refuse to obey him; if she obeys him, she would be committing a grave sin. As against this, if the husband asks his wife not to perform supererogatory prayer or fasting, she should desist from performing them; if she performs them, they will get rejected.

2. To nurse her children and bring them up properly and cultivate in them good manners and ethics.

3. To show gratitude to her husband for treating her well and for providing her with the comforts of life.

"It is narrated by Hazrat Asma bint Yezid that I was sitting with some of my coeval girl-friends when the Prophet of Allah (pbuh) passed by us and said Salam to us and said: "Desist from being ungrateful to the husbands who treat you well." And then said: "A woman amongst you remains for a long time as

a spinster in her parents' home, and then Allah provides her with a husband and bestows her with children, and then gets angry with her husband on some issue and tells her husband I have never seen anything good from you." (Bukhari)

RIGHTS OF A WIFE

Rights of a wife are well-defined in Islam. The following saying of the Prophet explains some of these rights:

"Hazrat Mawiya Qushairi reports that I went to the Prophet of Allah and asked him: "What are the rights of our wives on us?" He said: (1) You feed them whatever you feed on; (2) You clothe them with whatever you yourselves wear; (3) Do not beat them; and (4) Do not abuse them, (i.e. do not disgrace them, do not use abusive language against them, do not describe their defects in public, do not publicize their mistakes, if not beautiful, do not call them ugly on their face)." (Abu Dawood)

WIFE'S SPHERE OF ACTIVITY

- Islam limits a wife's sphere of activity to her household.
- It does not burden her with the dual responsibility of earning and running her home; this is cruel.
- Women have been brought out of their homes in the name of equality, liberation and empowerment. This has not provided them with any comforts; on the contrary, it has overburdened them.
- Working women not only work in their work places during the day, but work at home in the evenings too; quite often husbands and male members of the household never assist them in their household chores.

- Result: Women have become slaves and the upbringing of children has suffered beyond imagination.
- Islam, therefore, specifies that earning a livelihood and providing for the family is the responsibility of the husband, while the wife is given the equally important responsibility of looking after the household and upbringing of children, which, in fact, is a full-time job.
- However, if circumstances demand that a woman should work to maintain her family or do such jobs which only a woman can do, then a woman is not only allowed but encouraged to work.

RIGHTS AND DUTIES OF MEN AND WOMEN

In his memorable farewell sermon delivered on the occasion of the last pilgrimage, the Prophet of Allah (pbuh) spoke, among other things, about some of the rights and duties obligated on men and women. He said:

> *"Well then, people! Verily there are rights in favour of your women which are incumbent upon you, and there are rights in favour of you which are incumbent upon them. As to what is incumbent upon them in your regard, is that they should not let your beds be trampled by other than you, should not allow those to enter your houses whom you do not like without your authorization, and should not commit turpitude. If they commit that, then Allah has given you permission to reprimand them, to separate yourself from them in beds, and to strike them but not hard. If they abstain and obey you, then it is incumbent upon you to provide their food and dress in accordance with good custom. And I command you to treat women well, because they are like captives in your houses, possessing nothing for themselves, and you, on your part, take them as a deposit from Allah, and permit yourselves the enjoyment of their persons by*

means of a word of Allah. Have therefore the fear of Allah with regard to women, and I Order you to treat them well. Attention! Have I communicated? O Allah, be witness!"[1]

RIGHTS OF THE CHILDREN

Upbringing of children is a universal natural instinct which is found in every creature that procreates. This instinct is also found in human beings. Every person, whether he believes in Allah or not, whether he is a monotheist or a polytheist or an atheist, everyone naturally loves his children and strives hard to rear them and provide them all the comforts spending his hard- earned money on them and is always ready to sacrifice anything and everything for them.

It is extremely difficult for a single parent to bring up children. This responsibility can be satisfactorily fulfilled if it is shared by both the parents. Nursing, fostering and nourishing of children should be the responsibility of the mother. Bearing the expenditure on the upbringing of the children is the responsibility of the father.

Muslim parents do not bear the responsibility of the upbringing of their children just because their instincts demand them to do so, that they are the source of preserving the future generation, and that they would look after them in their old age, but they also do so believing it to be a religious duty and one of the sources to achieve success and salvation in the Hereafter. They consider their offspring as a trust from Allah. They not only bring them up in such a fashion that they can lead a comfortable life in the world, but also prepare them to be good practising Muslims, propagators of Islam and strivers in the Cause of Allah.

One of the benefits of this viewpoint is that in spite of the best efforts of the parents, if their offspring fail to

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[1] Dr. Muhammad Hamidullah, *Introduction to Islam.*

meet their expectations, the parents should not get disheartened. Rather, that belief will keep them contented that if their offspring have not come up to their expectations in spite of their best efforts, Allah will never waste their efforts and will certainly reward them, because Allah always appreciates and recognizes sincere efforts and endeavours:

> *"Verily this is a Reward for you, and your Endeavour is accepted and recognized."* (The Quran, 76:22)

Mother's Responsibility: Nursing, Fostering and Grooming of the Children:

The sphere of a mother's activities is confined to her home, and her real achievement is the most pleasurable service and which is the upbringing of her children. This is the responsibility that Islam has bestowed on her and she will be answerable for it on the Day of Judgement. It is a wrong point of view to detest domestic life, think lowly of bringing up of children and participating in collective activities outside the sphere of the family as a mark of emancipation. Although Islam has given the women this right, with some limitations, to participate in the collective activities, it has not given them the right to detest the domestic life and ignore their responsibilities in this regard. Because of this grave responsibility, women have been set free from many of the external activities which are obligatory on men. For example:

- Friday congregational Prayer is not obligatory on women;
- Participating in Jihad is not obligated on them although, if needed, they can participate in war to serve the Mujahideen.
- They are not obligated to offer the funeral prayers.
- They are not obligated to offer the congregational prayers in the mosques.

Islam considers this deed of taking part in domestic activities and looking after the children, an act of Jihad

The following are the rights of the children:

- At the time of the birth, *Azan* (call for Prayers) should be pronounced in the child's right ear and *Iqamat* (call given before the start of a congregational prayer) in the child's left ear.
- If father can afford it, *Aqeeqa* is to be performed on the seventh day of the birth or on any day thereafter, by sacrificing two sheep in case of a male child and one sheep in case of a female child.
- The child should be given a proper Islamic name.
- Treating the children with love and affection.
- Providing the children good education, both religious and temporal.
- Teaching them the method of Prayer and making them habituated to the Prayers from the childhood itself.
- Treating all the children equitably.

SOME SPECIAL RIGHTS OF DAUGHTERS

During the era of Ignorance before the advent of Islam, the Arabs used to detest the birth of a female child and thought it to be a very shameful event and quite often the most hard-hearted of them used to bury alive their daughters at the time of the birth itself. Some others used to kill their female children due to fear of poverty. However, those who were less hardhearted, allowed the female children to live, but would treat them with less respect than the male children. Islam has reformed this attitude and has completely eradicated this evil practice.

"It is narrated by Hazrat Ibn Abbas that the Prophet of Allah (pbuh) said: "When a female child is born to any person and he does not bury her under the system of Ignorance, nor does he despise her, nor

prefer the boys over her, Allah will admit him into the Paradise." (Abu Dawood)

It has also been instructed that the female children should be brought up not only with love and care, but should be groomed well and be given good education and married off. The Prophet of Allah (pbuh) instructed:

"It is narrated by Hazrat Ibn Abbas that the Prophet of Allah (pbuh) said: "Any person who brings up three daughters or three sisters like them, teaches them good manners and treat them with kindness until Allah frees them from want, Allah will make Paradise obligatory for him." Hearing this reward, a person asked: "O Prophet of Allah, if a person serves two daughters or two sisters, will he also get such a reward?" He (the Prophet) said: "Yes. This will be the reward for (bringing up) even two." The narrator says that if he had asked about one, he (the Prophet) would have given similar reply." (Sharah al-Sunnah)

"It is narrated by Hazrat Abu Sayeed Khudri that the Prophet of Allah (pbuh) said: "Any person who brought up three daughters, taught them good manners, married them off and treated them well (even after their marriage), for him will be the Paradise." (Abu Dawood)

One cannot find a similitude of such teachings about the bringing up of a girl-child and treating her with love and affection anywhere else. Moreover, it has been instructed that if a daughter is to lose her husband and does not have any other means of livelihood, she should be looked after by her father; if the father is not alive, then her nearest relatives should look after her. This has been declared as a very lofty deed.

"It is narrated by Hazrat Suraqa bin Malik that the Prophet of Allah (pbuh) addressing him said: "Shall I not tell you about the loftiest charity?" He said:

"Kindly tell me about it, O Prophet of Allah." He (the Prophet) said: "It is looking after that daughter who has been returned to you (because of widowhood or having been divorced) and there is no other provider for her than you."(Musnad Ahmed)

The above teaching is quite opposite to the practice of the Hindu society, where widows and divorcees are not allowed to remarry and are looked down as accursed creatures. They are not taken care of by the family of their husbands or their parents, and are forced to either beg or seek shelter in the ashrams of Vrindavan to lead a miserable life.

Hence, in the Islamic family system, it has been ordained that daughters should never be despised or considered inferior to boys, but should be treated on par with boys. They should be given proper and good education on par with boys and should never be discriminated against.

Unfortunately, killing of female child (female infanticide) is still rampant not only in India but in other countries, including Pakistan. One of the basic reasons for this is the prevalence of the dowry system in the countries of Indian subcontinent. Although Muslims have been prohibited to receive dowry from the bride's family and instead pay dower (*Mehr*) to the bride, this evil system of demanding and receiving dowry from the bride is widespread. This has resulted in considering the female child a burden and quite often the parents try to get rid of the child in the womb itself. The modern technique of determination of sex in the womb by ultrasound technology is used to determine the gender of the fetus and is destroyed if found to be female. We ought to educate the people that it is a grave sin and is against the ordinances of Allah and His Prophet. The Holy Quran avers:

"Kill not your children for fear of poverty; We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin." (17:31)

DIVORCE (*TALAQ*)

It is the fervent desire of Islam that the contract of marriage between husband and wife should be for life and, therefore, it has specified duties and rights of husband and wife and given them a kind of sanctity so that they can enjoy a good and peaceful life till their last breath. But sometimes because of incompatibility between husband and wife and insurmountable differences, remaining married becomes impossible. Unlike other religions, Islam suggests a way out in this situation which is known as *Talaq* or Divorce. Although, divorce is permissible in Islam, but it is frowned upon and has been declared as the most detestable act in the sight of Allah.

> *"It is narrated by Hazrat Ibn Umar that the Prophet of Allah (pbuh) said: "Amongst the lawful things, the most detestable thing with Mighty and Exalted Allah is divorce."* (Abu Dawood)

The Correct Procedure of Talaq:

Before the differences between the husband and wife culminate into divorce, it is commanded in the Holy Quran that sincere efforts should be made by the husband and wife themselves to iron out the differences. If they fail, assistance of arbitrators appointed with the consent of husband and wife should be sought. The Holy Quran instructs:

> *"If you fear a breach between them twain (husband and wife), appoint (two) arbitrators, one from his family and the other from hers; if they wish for peace, Allah will cause their reconciliation; for Allah has full knowledge, and is acquainted with all things."* (4:35)

If the arbitrators fail to bring in reconciliation and the husband and wife are determined to end the marriage,

the following procedure is to be adopted as commanded by the Holy Quran:

> *"O Prophet! When you do divorce women, divorce them at their prescribed periods, and count (accurately) their prescribed periods. And fear Allah your Lord."* (65:1)

The husband should not pronounce the divorce during the monthly course of his wife. This means that the differences between husband and wife should not be forced to an issue at a time when sex is least attractive and almost repulsive. If at all it is decided that divorce is the only alternative, then the husband should pronounce one Talaq when the wife is in the state of *Tuhur*(when she has attained cleanliness after her monthly period) and when the husband has not copulated with the wife. The waiting period (*Iddat*) after the pronouncement of the divorce is three monthly periods of the wife, within which the husband has the right to revert back to his wife in which case the marriage remains intact, but the husband is considered to have utilized one pronouncement out of the three pronouncements of Talaq (divorce) legally provided to him. This kind of divorce is known as a Revocable Divorce. However, if the period of three months is allowed to lapse, the divorce automatically comes into force and the husband and wife are divorced. But even after the divorce coming into effect, if the husband and wife later want to resume their relationship as husband and wife, they are allowed to remarry. During the waiting period of three months, neither the wife should leave the house of her husband nor should the husband expel her except in case of the wife committing open lewdness. The Holy Quran commands:

> *"And turn them not out of their houses, nor shall they (themselves) leave, except in case they are guilty of some open lewdness."* (65:1)

The wisdom behind the wife living in her husband's house for a period of three months after the

pronouncement of the revocable divorce is that there could arise many chances of reconciliation which could be taken advantage of; the husband might get attracted to his wife and the wife might try to remove the causes of differences and reconcile with her husband.

Thus with the pronouncement of only one Talaq, divorce between husband and wife comes into force. There is no need to pronounce two more Talaq pronouncements.

When the husband reverts back to his wife within the period of three months, or after the expiry of three months remarries his former wife, and again differences between them arise and they want to have a divorce, they have to again follow the same procedure of appointing arbitrators from among their families and pronouncing the Talaq as mentioned above. But this will be his second pronouncement. This Talaq will also be a revocable Talaq. The husband will have the right to revert back to the wife within the waiting period of three months. After the expiry of three months, the divorced husband and wife, if they wish, can marry again.

However, if the divorced husband and wife remarry again, and in the event of differences the husband divorces his wife for the third time and allows the waiting period to lapse, this will be the final Irrevocable Talaq, where they cannot remarry again, unless she marries another man and gets divorced from him. The Holy Quran avers:

> *"A divorce is only permissible twice; after that, the parties should either hold together on equitable terms, or separate with kindness."* (2:229)

It is clearly understood from the injunctions of the Holy Quran and the Traditions of the Prophet of Allah (pbuh) that the pronouncements of Talaq should be pronounced on three different occasions and that the matter of Talaq should be dealt with patience, fore thought and seriousness. Hence, pronouncing triple Talaq in one sitting is frowned upon and discouraged. However, if

pronounced, it will result in the irrevocable divorce of husband and wife.

> *"It is narrated by Hazrat Mahmood bin Labeed that the Prophet of Allah (pbuh) was informed about a person who had pronounced triple talaqs to his wife. He (the Prophet) stood up in a rage and said: "Are you playing with the Book of Allah when I am still with you." (Seeing his rage), a person stood up and said: "Shall I not go and kill him?"* (Nasai)

When the husband has divorced his wife, he will have no right to demand return of the Dower, jewelry, clothes and other gifts given by him to his wife. The Holy Quran instructs:

> *"It is not lawful for you (men) to take back any of your gifts (from your wives)."* (2:229)

Iddat of a Pregnant Woman

When a pregnant wife is divorced, her waiting period is the delivery of the child. During this period, it is the duty of the husband to let her stay in his house and look after her well till she has delivered the baby. The Holy Quran instructs:

> *"Let the women live (during the waiting period) in the same style as you live, according to your means; annoy them not, so as to restrict them. And if they carry (life in their womb), then spend (your substance) on them until they deliver their burden. And if they suckle your (offspring), give them their recompense."* (65:6)

The period of suckling is two years and if the mother suckles the child, the husband has to bear her expenses for another two years.

The Issue of Halala

As stated above, divorced husband and wife cannot remarry after the pronouncement of the third Talaq, unless the former wife has been divorced after getting married to another person. The Holy Quran says:

> *"So if a husband divorced his wife (irrevocably), he cannot, after that, remarry her until after she has married another husband and he has divorced her. In that case there is no blame on either of them if they reunite, provided they feel that they can keep the limits ordained by Allah. Such are the limits ordained by Allah, which He makes plain to those who understand."* (2:230)

This is to set an impossible condition. The lesson is: if a man loves a woman he should not allow a sudden gust of temper or anger to induce him to take hasty action.

It is unfortunate that some people try to circumvent this condition by arranging a temporary marriage of the former wife to a man with the precondition that he would divorce her after a day or two which is popularly known as *Halala*. This is strictly prohibited in Islam. Such a marriage is unlawful and amounts to fornication.

> *"It is narrated by Hazrat Ibn Abbas that the Prophet of Allah (pbuh) has expressed rage on the "muhallil"[1] and the "muhallal."*[2](Ibn Maaja)

The divorced wife is free to marry any other person of her choice after the waiting period.

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[1] A man who marries a woman that has been trebly divorced on the condition of divorcing her after consummation of the marriage, in order that she may become lawful to be married to the former husband.

[2] The former husband who makes such an arrangement.

The Khula`

Although man has been given the right to divorce, woman can also seek divorce from her husband in the event of the husband refusing to divorce her by offering him some sort of financial inducement which should not be more than what the husband has given to her as her Dower (*Mehr*). This is known as Khula`. The Holy Quran specifies:

> *"If you (arbitrators) do indeed fear that they would be unable to keep the limits ordained by Allah, there is no blame on either of them if she gives something for her freedom."* (2:229)

POLYGAMY

Another issue against which frequent objections are raised and Islamic teachings and the Muslims are attacked is the issue of polygamy. It is portrayed as if every individual Muslim man is polygamous and possesses four wives. In fact, it is not only Muslims who practise polygamy, but every community in the world does so, whether having multiple spouses legally or illegal mistresses or approaching multiple prostitutes for sexual gratification in the "red light" areas located in every city of the world. It is a fact, which is conveniently ignored, that Muslims generally do not practice polygamy. The percentage of polygamous men in the Muslim Community is almost on par with the other communities. The National Family Health Survey (2006) reports the percentage of polygamy in different Indian communities as follows: Hindus: 1.77%; Muslims: 2.55%; Christians: 2.35%; Buddhists: 3.2%.

"In Islam it is always important to look for the spirit behind the word or law; whether it is in criminal punishment or polygamy. The fact that a man is allowed in extraordinary circumstances to marry up to four wives must be seen in this context. It is quite clear that the ideal is one

wife, and the Quran emphasizes and indeed advocates it. However, there are situations in times of war or famine or social upheaval when it is better that a woman is safely and honourably married than has to fend for herself as a destitute or even prostitute her body. It is, therefore, the spirit that must be understood, not the letter of the law. The Quran has clearly given permission for men to marry more than once, and in certain circumstances this is a social necessity: *"If you are afraid that you will not treat orphans justly, then marry such women that may seem good to you, two, three or four."* (4:3)But in the next line the Quran lays down a clause: *"If you think you will not act justly, then only one."* (4:3)"[1] This is a difficult condition to fulfill. The Quran itself says that polygamy is difficult to manage:

> *"You will never be able to be fair and just as between women, even if it is your ardent desire: But turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air)."* (4:129)

Some people have wrongly deduced from the above verse that since the Quran itself says that it is impossible to treat more than one wife equitably, hence practically the permission to have more than one wife has been withdrawn. Actually the verse means that "man, in all circumstances, cannot treat two or more wives equitably. One is beautiful and the other is ugly; one is young and the other is old; one is chronically ill and the other is healthy; one is bad-tempered and the other is sweet-tempered and there can be many more such differences because of which man can be naturally inclined more towards one wife and less towards another. In all such circumstances, the law does not demand man should be fair and just between the two with regard to love and affection and sexual relationship. Rather, it demands that when you do not divorce a woman in spite of lack of affection and because of your desire or her desire keep her with you as your wife,

[1] Akbar S. Ahmed, *Living Islam, From Samarkhand to Stornoway,* BBC Books Ltd., Woodlands, 80 Wood Lane, London, UK.

at least you should have such relationship with her which does not practically render her husband-less."[1]

"Nonetheless, Muslims are not apologetic or defensive about polygamy. A liberated, female Indian Muslim writer makes the following point while supporting polygamy in Islam.

> "Islam accommodates human weaknesses and needs. It aims to create a society based on natural instincts. It sanctions remarriage and divorce but discourages flagrant immorality and sex outside marriage. Polygamy is a provision and not a compulsion. The Western pattern and definition of women's liberation is not the only one. If a woman is content with being a second wife why should anyone tell her she should feel otherwise? Polygamy provides a hedge for increased female population due to disasters like wars. The clause legitimizing multiple wives is in the interest of 'the other woman' as it gives her moral, social and legal rights. One man one woman relationship is merely an Anglo-Saxon concept of purity. The oppression of Muslim women in the sub-continent is a result of feudal-social attitudes and has nothing to do with Islam. Some of the laws in these countries are detrimental to women and need to be reviewed in the Muslim framework. Islamic jurisprudence provides the liberal and progressive basis for a moral and a just society in recorded history. (Dehlvi 1992)"[2]

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[1] Moulana Syed Abul Aala Maududi, *Tafheem al-Quran,* Vol.1, p. 403.
[2] Akbar S. Ahmed, *Living Islam, From Samarkhand to Stornoway,* BBC Books Ltd., Woodlands, 80 Wood Lane, London, UK.

ISLAMIC LAW OF INHERITANCE

The following Verse of the Holy Quran sets out a very important rule of the economic policy of the Islamic society and State:

> *"What Allah has bestowed on His Messenger (and taken away) from the people of the townships – belongs to Allah – to His Messenger and to kindred and orphans, the needy and the wayfarer; in order that it may not (merely) make a circuit between the wealthy among you."* (59:7)

"The basic rule that has been described in the above verse is that the circulation of wealth should be universal and it should never be that it is made to get circulated only amongst the rich, or the rich are allowed to become richer and richer and the poor are forced to become poorer and poorer. The Holy Quran did not confine itself to just describing this policy. Rather, to achieve this objective usury has been prohibited, Zakat has been made obligatory, a fifth has been ordained to be deducted from the war booty, charity has been encouraged, such ways and means of penitence have been suggested which allows wealth to reach the poorer segments of society, and such a law of inheritance has been promulgated which allows distribution of wealth on a wider scale."[1]

The general principle of the Law of Inheritance is laid down in the following verse of the Quran:

> *"Unto the men (of a family) belongs a share of that which parents and near kindred leave, and unto the women a share of that which parents and near kindred leave, whether it be little or much – a determinate share (from Allah)."* (4:7)

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[1]Moulana Syed Abul Aala Maududi, *Tafheem al-Quran*, Vol.5, p. 393.

"In the aforesaid Verse five ordinances have been clearly mentioned: (1) That not only men get a share in the inheritance but women also are entitled for a share; (2) that the inheritance should be divided at any cost whether it is small or large; (3) that the Law of Inheritance is applicable on every kind of wealth and property, whether moveable or immoveable, agricultural or industrial or any other kind of wealth and property; (4) that the right to inheritance comes into existence only when the deceased has left behind any wealth; (5) that in the presence of the near relatives the far-off relatives will not be entitled for the inheritance."[1]

In this short treatise it is quite impossible to give all the details of the Law of Inheritance. Suffice it to give below the verses of the Quran which determine shares of different inheritors. Details are found in the books of Islamic Jurisprudence.

> *"Allah (thus) directs you as regards your children's (inheritance): To the male, a portion equal to that of two females; if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases is) after the payment of legacies and debts."* (4:11)
>
> *"In what your wives leave, your share is a half, if they leave no child; but if they leave a child, you get a fourth; after payment of legacies and debts. In what you leave their share is a fourth, if you leave no child; but if you leave a child, they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth;*

[1] *Ibid*, Vol.1, p.324.

but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to anyone). Thus is it ordained by Allah; and Allah is All-Knowing, Most forbearing." (4:12)

As can be gathered from the aforesaid verses shares of different relatives have been determined, particularly the shares of women have also been specified. Islam is the first religion to do so. Even so, objections are raised that the share of a man is apportioned double the share of a woman. This objection is baseless, because Islam burdens man with the maintenance of his family and is made to bear all his financial responsibilities. He pays dower (*Mehr*) to his wife and has to maintain her, while a woman receives dower from her husband and is maintained by him. Hence, it is fair that man receives double the share of a woman. Moreover, according to the twelve categories of receivers of "Determinate Shares" specified by the Quran, eight are women and four are men:

The four categories of men are: (1) husband; (2) father; (3) uterine brother; (4) real grandfather (grandfather, great grandfather, etc.)

The eight categories of women are: (1) wife; (2) mother; (3) daughter; (4) grand-daughter; (5) sister; (6) step-sister; (7) uterine sister; (8) real grandmother (paternal grandmother, maternal grandmother, great paternal grandmother, great maternal grandmother, etc.)

Hence, it is wrong to say that Islam treats women inequitably under its Law of Inheritance.

CONCLUSION

It is very clear from the aforesaid narration that the ordinances and teachings of Islam are quite in tune with the human nature and are best suited to lead a happy

family life in this world, which in turn helps in building a cohesive society free from chaos and anarchy.

The forces inimical to Islam and Muslims are unduly concerned with the welfare of Muslim women, although Islam gives them all the rights due to them besides offering them social and marital protection. In India, the Hindu communal forces are in the forefront in showing their "sympathy" to Muslim women and want to free them from the clutches and atrocities of the "cruel Muslim men and clergy." In fact, the opposite is true. It is the Hindu women who suffer in Hindu society under its unnatural, inhuman laws and practices and who need emancipation and protection.

There is no place for widows in Hindu society and they are neither allowed to remarry nor are looked after by their family members, both on the husband's side or parent's side. They are left to fend for themselves or left to lead a miserable life in the ashrams of Vrindavan. Although the Supreme Court took note of the plight of these widows and ordered complete data be collected on the families of these women, including their reasons for leaving home, and asked the families to take them back, nothing much has been done.[1] Contrary to this, Islam allows the widows and divorced women to remarry; if they are unable to marry unmarried men, they can opt to be second or third wives of a wealthy and kind-hearted married man who is expected to treat his wives equitably.

Another serious problem faced by Hindu society is child marriages, which particularly affect the girls. Although the Prohibition of Child Marriage Act, 2006, is in place, child marriages are rampant in the country. The "sympathizers" of Muslim women should also look into this matter and try to solve this problem.

Prostitution is quite rampant in the country and young girls are forced by pimps, sometimes by their own

[1] The Hindu, August 28, 2017.

husbands, parents and other relatives, into prostitution. These women and young girls merit our sympathy and deserve a decent and respectable life. None is ready to show even an iota of concern to these women as they pretend to show to Muslim women.

The opponents of the Islamic Law say that it cannot fulfil the needs of modern times. They are wrong because:

- They seldom carry out a detailed and investigative study of Islamic Law; they just put a seal of their approval to whatever they hear about it.
- Those who belong to the legal fraternity are no better off. They have been listening in their colleges and universities that laws which had been in existence at the end of the 18th Century and the beginning of the 19th Century are not compatible with the new laws, because unlike the new laws, the old laws were not based on the foundations of equality, justice, mercy and humanity.
- This could be true with regard to man-made laws; Islamic Law is based on equality, justice, mercy and human values, which the modern man-made laws cannot surpass in any way whatsoever.
- Man-made laws are required to be improved upon further and they cannot do so unless they copy and incorporate Islamic Laws.
- Unlike man-made laws, the Islamic Law was revealed all at the same time and when it was revealed it was a complete and comprehensive law; neither was it imperfect nor was it defective.
- The Islamic Law is not meant for a family, or a tribe, or any community or any state in particular; rather, it is for the entire humanity and is a universal law.
- The Islamic Law can provide solution in every situation. Moreover, it discusses all the issues pertaining to individuals, communities and the state and formulates laws for them.
- It also provides laws with regard international relations both at the time of peace and war.

- Islamic Law is not legislated according to the wishes of the people and society; on the contrary the people and the society are made to follow it.
- Islamic Law cannot be changed, amended or replaced by man-made laws, because it is a Divine Law. The Holy Quran avers:

"The same religion has He established for you as that which He enjoined on Noah – that which We have sent by inspiration to you – and that which We enjoined on Abraham, Moses and Jesus; namely, that you should remain steadfast in Religion, and make no division therein: To those who worship other things than Allah, hard is the (way) to which you call them. Allah chooses to Himself those whom He pleases, and guides to Himself those who turn (to Him)." (42:13)